

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
ALABAMA NORTHERN DIVISION

MONICA PERRYMAN,  
Plaintiff,

v.

FIRST UNITED METHODIST CHURCH \*  
and DARLENE MAYE, \*  
Defendant. \*

2007 APR -2 P\*5:23

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Case Number: 2:06cv216-MHT

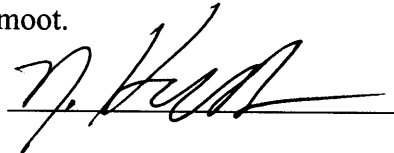
RESPONSE OF PLAINTIFF'S COUNSEL PURSUANT TO  
OPINION AND SANCTIONS ORDER (DOC. NO. 59)

COMES NOW, the Plaintiff's attorney, and responds to the court's order regarding the payment of attorney fees and moves the court to deny the same for the following reasons:

1. That on or about January 29, 2007 the defendants' filed a motion to dismiss pursuant to Rule 16(f) and Rule 41(b) F.R.C.P.
2. That the stated relief requested by the defendants' in the said motion was for the Court to dismiss this action for failure to prosecute, comply, and attend the pretrial conference or, in the alternatively to dismiss the action pursuant to the Defendants' Motion for Summary Judgment.
3. That in said motion to dismiss the defendants' alleged that the Plaintiff actions had resulted in prejudice to the Defendants and the incurring of unnecessary attorneys' fees and expenses by the Defendants.
4. That on or about March 12, 2007, this Court imposed sanctions and directed that the Defendants First United Methodist Church and Maye shall file an affidavit itemizing their reasonable attorney's fees and expenses incurred in attempting to secure Hurst's cooperation in the preparation of a pretrial order, their expenses in their attorneys' attendance at the pretrial, and their expenses relating to the instant sanctions issue.

5. That on or about March 19, 2007 the affidavits of Robert A. Huffaker and Brett Garrett were filed and not the affidavits of First United Methodist Church and Maye as so Ordered by this Court.
6. That Mr. Huffaker and Garrett were members of the First United Methodist Church and agreed to represent First United Methodist Church and Darlene Maye on a pro bono basis with the Church being responsible only for payment of the firm's expenses.
7. That no evidence has been introduced as to fees and expenses paid by First United Methodist Church and Maye as of the date of this filing.
8. That the Defendants' in their motion to dismiss knew at the time of their filing that there were no fees and expenses owed or paid in this matter, although they represented to the Court that they were prejudiced by incurring unnecessary attorneys' fees and expenses.
9. That the Defendants have received the relief request in their motion to dismiss and said action was dismissed on summary judgment.

WHEREFORE, premises considered plaintiff moves this Court to issue an order in favor of Plaintiff's counsel as to fees and expenses as being moot.



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Norman Hurst (HUR016)  
Attorney for the Plaintiff  
462 Sayre Street  
Montgomery, Alabama 36104  
(334) 269-6449

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing reponse was served on the following by mailing copies of same by United States First Class Mail in a properly addressed envelope with adequate postage affixed thereon to assure delivery, addressed as follows:

Robert Huffaker, Esq

184 Commerce Street  
Montgomery, Alabama 36101

This 2<sup>nd</sup> day of April, 2007

  
Norman Hurst